



# MONTGOMERY McCRACKEN

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November 11, 2014

Federal Election Commission  
Office of Complaints Examination  
And Legal Administration  
Attn: Frankie Hampton, Paralegal  
999 East Street, NW  
Washington, DC 20436

Re: MUR 6886—Citizens for Boyle

Dear Mr. Hampton:

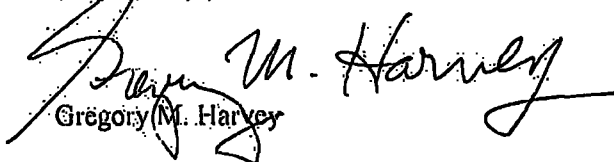
Enclosed is the Statement of Designation of Counsel executed by Citizens for Boyle, Janica Kyriacopoulos, Treasurer.

The Complaint is based on speculation that Citizen for Boyle improperly used an email address from Brendan Boyle's state legislative email list to email voters on behalf of his Congressional candidacy.

Complainant's speculation is false. Attached is the Affidavit of Scott Heppard, Campaign Manager of Citizens for Boyle, verifying on his personal knowledge the source of the email address complained of, and which did not come from the candidate Boyle's state legislative email list.

The Complaint has no factual basis and should be denied.

Respectfully yours,



Gregory M. Harvey

cc(with enclosures) by U/S. Postal Mail to Carson Dee Adcock, Complainant

Enclosures: Statement of Designation of Counsel  
Affidavit of Scott Heppard, Campaign Manager

GMH:tlb

MONTGOMERY McCRACKEN WALKER & RHOADS LLP  
PENNSYLVANIA • NEW YORK • NEW JERSEY • DELAWARE

A PENNSYLVANIA LIMITED-LIABILITY PARTNERSHIP  
LOUIS A. PETRONI, NEW JERSEY RESPONSIBLE PARTNER



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Washington, DC 20463

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CELA

STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

FAX 202-219-3923

MUR # 6886

Name of Counsel: Gregory M. Harvey

Firm: Montgomery McCracken Walker & Rhoads LLP

Address: 123 South Broad Street, 24th Floor

Philadelphia, PA 19109

Telephone: 215-772-7684 Fax: 215-772-7620

E-mail: gharvey@mmwr.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

11/6/2014  
Date

Janica Kyriacopoulos  
Signature (Respondent/Agent)

Treasurer  
Title

RESPONDENT: Citizens for Boyle, Janica Kyriacopoulos, Treasurer  
(Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: P.O. Box 11545  
(Please Print)

Philadelphia, PA 19116

Telephone (H): \_\_\_\_\_ (W): 202-628-1580

E-mail: \_\_\_\_\_

This form relates to a Federal Election Commission matter that is subject to the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A). This section prohibits making public any notification or investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

Rev. 2014

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COMMONWEALTH OF PENNSYLVANIA

ss.:

CELA

COUNTY OF PHILADELPHIA

**AFFIDAVIT OF SCOTT HEPPARD**

SCOTT HEPPARD, being first duly sworn according to law, deposes and says that:

1. I am the Campaign Manager of the Boyle for Congress campaign, which is supported by Citizens for Boyle, the federal campaign committee named as the Respondent in the Complaint of Carson Dee Adcock to the Federal Election Committee and numbered as MUR 6886.

2. Mr. Adcock, who opposed candidate Brendan Boyle in the General Election on November 4, 2014, alleges that "there are strong indicators that Pennsylvania State Representative Brendan Boyle is using his state legislative email list to email voters on behalf of his Congressional candidacy." The Complaint supports this allegation by asserting that two individuals who share an email address, \_\_\_\_\_, subscribe to State Representative Brendan Boyle's state office mailing list but started receiving emails from Citizens for Boyle in September 2014 although "they have never subscribed to Representative Boyle's Congressional election committee email list." Based on the foregoing, Mr. Adcock asserts a "misuse of state resources to assist candidacy for federal office."


3. I have personal knowledge that the email address of \_\_\_\_\_ which is \_\_\_\_\_ was added to the Boyle for Congress email list maintained under the domain address "voteboyle.com" because Seth Kaplan, a volunteer for Boyle for Congress, forwarded to me on September 5, 2014 at 7:37 PM a message he had received earlier that day announcing three programs at the Pennypack Environmental Center in Philadelphia and which message had an "open" list of email addressees, amounting to eleven pages of email addresses; a copy of that email message preceded by Mr. Kaplan's forwarding message to me ("Can you please add the below e-mails to [our] email list?") and my reply to Mr. Kaplan on September 9, 2014 ("Done today.") is attached as Exhibit A: The email address of the \_\_\_\_\_

appears twice on page 9 of Exhibit A.

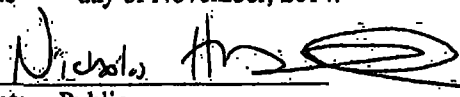
4. The dates of the Boyle for Congress emails to \_\_\_\_\_, as attached to the Complaint, start with the date 9/16/2014, which is seven days after the date on

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which I caused the addresses from the message forwarded by Mr. Kaplan to be added to the  
voteboyle.com Congressional campaign email list.

  
Scott Heppard

Sworn to and subscribed before me  
this      day of November, 2014.

  
Notary Public

NOTARIAL SEAL  
Nicholas Himebaugh  
NOTARY PUBLIC  
Philadelphia City, Philadelphia County  
My Commission Expires 11/21/2015